

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 08 26 P 1: 59 CIVIL ACTION NO. 04-11420 PBS

MARK BROADLEY,
Plaintiff

DISTRICT COURT
DISTRICT OF MASS.

VS.

MASHPEE NECK MARINA, INC.,
Defendant

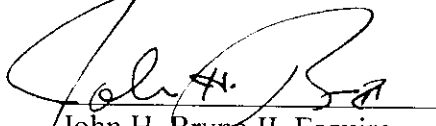
**MOTION OF THE DEFENDANT, MASHPEE NECK MARINA, INC., TO FILE
ADDITIONAL PAPERS PURSUANT TO LOCAL RULE 7.1(3)**

Now comes the Mashpee Neck Marina, Inc. in the above-captioned matter and moves this Honorable Court for leave to file additional papers regarding Mashpee Neck Marina, Inc.'s Motion to Dismiss for Lack of Subject Matter Jurisdiction. As grounds therefore, Mashpee Neck Marina, Inc. states:

1. Local Rule 7.1(b)(3) requires that leave of court be obtained in order to file a reply brief.
2. Mashpee Neck Marina, Inc. filed its original motion to dismiss and the plaintiff, Mark Broadley, has filed an opposition thereto.
3. In the opposition to the original motion to dismiss additional grounds were raised that were not initially stated in the plaintiff's complaint nor addressed by the motion to dismiss.
4. The filing of a short, reply memorandum will assist this court in resolving and determining the issues relating to the Mashpee Neck Marina, Inc.'s motion to dismiss for lack of subject matter jurisdiction.

WHEREFORE, Mashpee Neck Marina, Inc. moves that this court allow it to file a supplemental reply memorandum. As additional grounds for this motion, Mashpee Neck Marina, Inc. has attached the proposed reply memorandum.

Respectfully submitted,


John H. Bruno II, Esquire
B.B.O. No. 542098
Masi & Bruno
124 Long Pond Road
Unit 11
Plymouth, MA 02360
(508)747-5277

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney(s) of record for each other party by mail / hand-on.

8/24/04
L. H. H. H.